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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,334	01/29/2004	Robert Lee Angell	END20030132US1	6534

37945 7590 07/23/2009  
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EXAMINER
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VEZERIS, JAMES A

ART UNIT	PAPER NUMBER
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3693

NOTIFICATION DATE	DELIVERY MODE
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07/23/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/768,334	<b>Applicant(s)</b> ANGELL, ROBERT LEE	
	<b>Examiner</b> JAMES A. VEZERIS	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/26/2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-15 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-15 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **Detailed Action**

#### **Pre-Exam Formalities**

1. Claims 1-3, 7-15, and 19-25 are currently pending. Claims 4-6 and 16-18 are canceled. Claims 1-3, 7-15, and 19-25 are amended.

#### **Response to Applicant's Arguments**

2. Applicant's arguments, see page 10, filed 3/26/09, with respect to the rejection of claims 1-3 and 7-12 under 101 have been fully considered and are persuasive. The rejection of claims 1-3 and 7-12 has been withdrawn.
3. Applicant's arguments, see page 11, filed 3/26/09, with respect to the rejection of claim 25 under 112 1<sup>st</sup> paragraph has been fully considered and are persuasive. The rejection of claim 25 has been withdrawn.
4. Applicant's arguments, see page 11, filed 3/26/09, with respect to the rejection of claims 1-3, 7-15, and 19-25 have been fully considered and are persuasive. The 112 2<sup>nd</sup> paragraph rejection of claims 1-3, 7-15, and 19-25 has been withdrawn.
5. Applicant's arguments, see page 11, filed 3/26/09, with respect to the objection of claims 13-24 have been fully considered but are not persuasive. Examiner still believes ambiguity arises as the amended aspect of the claim is in the body and not the preamble as the examiner believes it should be.

Art Unit: 3693

6. Applicant's arguments, see pages 12-20, filed 3/26/2009, with respect to rejection of claims 1-3, 7-15, and 19-25 have been fully considered and are persuasive.

The prior art rejections of claims 1-3, 7-15, and 19-25 has been withdrawn.

7. Examiner notes that it appears all art found up to this point has been unable to read on the applicant's application. Examiner presents further rejections to move the application towards allowance. No prior art rejections have been given as none were found during the search, however, examiner notes due to the 112 2<sup>nd</sup> clarifications necessary, further prior art rejections might be proper. In light of the lack of prior art rejections, examiner believes a non-final rejection is appropriate.

### **Claim Objections**

8. Claims 13-15 and 19-24 are objected to because of the following informalities:

The language in the preamble is still not to in a form the examiner believes will allow for allowance of the case. Examiner recommends the applicant utilize the form approved by the USPTO, in case 5710578 to Beauregard. Examiner would like to see the language read: *"A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to detect fraudulent activity, said method steps comprising:"* Appropriate correction is required.

### **Claim Rejections- 35 U.S.C. 112 2<sup>nd</sup> Paragraph**

9. Claims 1-3, 7-15, and 19-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

Art Unit: 3693

subject matter which applicant regards as the invention. It is unclear how the plurality of control points used to generate the fence is chosen. As the claim language is understood all of the outliers have the possibility of being a control point, but it is unclear how, the first set of outliers are chosen. Further it is necessary to explain how an outlier, be it a first or second set of outliers, is identified.

10. Further it is unclear if the first set of outliers, since they comprise the fence and are not "inside" of the fence, are acceptable behaviors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. VEZERIS whose telephone number is (571)270-1580. The examiner can normally be reached on Monday-alt. Fridays 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

/JAMES A VEZERIS/  
Examiner, Art Unit 3693

7/20/2009